

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DACHKA SOUFFRANT

Plaintiff,

-against-

CITY OF NEW YORK, and THE POLICE
DEPARTMENT OF THE CITY OF NEW YORK; DET.
TERESA LETO, whose shield number is 126; P.O.
AUGUSTO TAVERNIER, whose shield number is
17247; JOHN DOE and RICHARD ROE, and others,
whose true names and shield numbers are presently
unknown,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

01 CV 1760 (FB)(KAM)

WHEREAS, plaintiff commenced this action by filing a complaint on or about
March 21, 2001, alleging that her constitutional and common law rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of \$150,000
(One Hundred and Fifty Thousand Dollars) in full satisfaction of all claims, including claims for

costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release defendants and any present or former employees or agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to the City's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

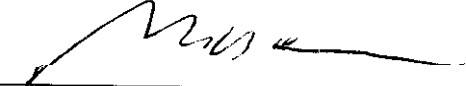
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

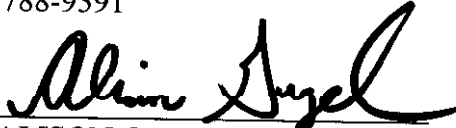
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 2, 2005

Michael Warren, Esq.
Attorney for Plaintiff
580 Washington Avenue
Brooklyn, NY 11238

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 788-9391

By: 
MICHAEL WARREN (MW 1187)

By: 
ALISON GUGEL (AG3698)
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.

5/31/05



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Alison E. Gugel
Assistant Corporation Counsel
Special Federal Litigation Division
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May 27, 2005

VIA HAND DELIVERY

Honorable Frederic Block
United States District Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Dachka Souffrant v. City of New York et al.*, 01 CV 1760 (FB)(KAM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York representing defendants in this action. The parties have agreed to settle the case. Accordingly please find enclosed herewith a fully executed Stipulation and Order of Settlement and Dismissal for Your Honor's approval.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alison Gugel".

Alison Gugel(AG3698)
Assistant Corporation Counsel
Special Federal Litigation Division

Enc.

cc: Michael W. Warren, Esq. (**via facsimile w/enc.**)
Attorney for Plaintiff
580 Washington Avenue
Brooklyn, NY 11238
Facsimile No.: 718-230-5145

Honorable Kiyo A. Matsumoto (**via hand delivery w/o enc.**)
United States Magistrate Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201